

OCT 17 2007

PTO/SB/17 (02-07)

Approved for use through 02/28/2007. OMB 0851-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

## FEE TRANSMITTAL For FY 2007

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

750

**Complete if Known**

Application Number	10/643,806
Filing Date	08/18/2003
First Named Inventor	Bill Pope
Examiner Name	Lenard A. Footland
Art Unit	3682
Attorney Docket No.	3768.DIMC.CN

**METHOD OF PAYMENT (check all that apply)**
☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 502720 Deposit Account Name: Randall B. Bateman

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**Fee Description

Each claim over 20 (including Reissues)

Fee (\$)	Small Entity Fee (\$)
50	25

Each independent claim over 3 (including Reissues)

200	100
-----	-----

Multiple dependent claims

360	180
-----	-----

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
--------------	--------------	----------	---------------

- 20 or HP =	x	=
--------------	---	---

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
---------------	--------------	----------	---------------

- 3 or HP =	x	=
-------------	---	---

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
--------------	--------------	--	----------	---------------

- 100 =	/ 50 =	(round up to a whole number) x	=
---------	--------	--------------------------------	---

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Petition Fee pursuant to 37 CFR 1.17(m)

750

**SUBMITTED BY**

Signature

Registration No. 37,774  
(Attorney/Agent)

Telephone (801) 533-0320

Name (Print/Type) Randall B. BatemanDate Oct. 17, 2007

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**BATEMAN**  
**IP LAW GROUP**  
A Professional Corporation

**RECEIVED**  
**CENTRAL FAX CENTER**  
**OCT 17 2007**

Randall B. Bateman†  
Perry S. Clegg‡  
Brett H. Peterson

8 East Broadway, Suite 550  
Post Office Box 1319  
Salt Lake City, Utah 84110

Patents, Trademarks  
Copyrights, Unfair Competition  
and Related Litigation

---  
Phoenix Shuhui Gatrell  
Roane T. Noel  
Benjamin J. Holt  
(Technical Consultants)

Tel. (801) 533-0320  
Fax. (801) 533-0323  
Email: mail@batemanip.com  
www.batemanip.com

† Also admitted in Idaho  
‡ Also admitted in N.Y. & D.C.

**FACSIMILE**

TO: United States Patent and Trademark Office

FAX NUMBER: (571) 273-8300

FROM: Randall B. Bateman

DATE: October 17, 2007

SUBJECT: U.S. Patent Application No. 10/643,806

NO. OF PAGES  
TO FOLLOW: 23

REMARKS:

Please see attached.

THE PAGES THAT FOLLOW MAY CONTAIN SENSITIVE, PRIVILEGED OR CONFIDENTIAL INFORMATION INTENDED SOLELY FOR THE ADDRESSEE NAMED ABOVE. IF YOU RECEIVE THIS MESSAGE AND ARE NOT THE AGENT OR EMPLOYEE OF THE ADDRESSEE, AND HAVE THEREFORE BEEN SENT OR RECEIVED THIS COMMUNICATION IN ERROR, PLEASE CALL THE BATEMAN IP LAW GROUP AT (801) 533-0320.

RECEIVED  
CENTRAL FAX CENTER

OCT 17 2007

PTO/SB/84 (10-07)

Approved for use through 10/31/2007, OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>	<b>Docket Number (Optional)</b> 6069.2P
--	--

First named inventor: Bill J. Pope

Application No.: 10/643,806

Art Unit: 3882

Filed: 08/18/2003

Examiner: Lenard A. Footland

Title: BEARINGS, RACES AND COMPONENTS THEREOF HAVING DIAMOND AND OTHER SUPERHARD SURFACES

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

## APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or Issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

☒ Small entity-fee \$ 750 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

## 2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Amendment/Response to Office Action (identify type of reply):

☐ has been filed previously on \_\_\_\_\_  
☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_

☐ has been paid previously on \_\_\_\_\_  
☐ is enclosed herewith.

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

10/19/2007 5:11:11 PM  
 00000055 506720 10643806  
 20.00 DA 750.00 DP  
 01 FC:2453

RECEIVED  
CENTRAL FAX CENTER

OCT 17 2007

PTO/SB/64 (10-07)

Approved for use through 10/31/2007. OMB 0851-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Stan Despres  
Signature

10-16-07  
Date

Stan Despres  
Typed or printed name

Registration Number, if applicable

1186 South 1680 West  
Address

(801) 221-4591  
Telephone Number

Orem, Utah 84058  
Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☒ Other: Power of Attorney, Statement Under 3.73(b), and Copy of Assignment

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

OCT. 17, 2007  
Date

Randall B. Bateman  
Signature  
Randall B. Bateman, Reg. No. 57,774  
Typed or printed name of person signing certificate

OCT 17 2007

PTO/SB/21 (09-04)


Approved for use through 07/31/2008, OMB 0651-0031

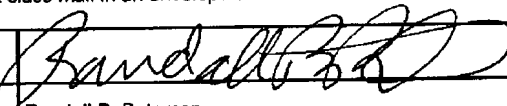
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/643,806	
	Filing Date	08/18/2003	
	First Named Inventor	Bill Pope	
	Art Unit	3682	
	Examiner Name	Lenard A. Footland	
Total Number of Pages in This Submission	22	Attorney Docket Number	3768.DIMC.CN

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input checked="" type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Statement Under 37 CFR 3.73(b) Copy of Assignment
<b>Remarks</b> The Commissioner is hereby authorized to credit any overpayment or debit any amount due Deposit Account No. 502720.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	BATEMAN IP LAW GROUP		
Signature			
Printed name	Randall B. Bateman		
Date	Oct. 17 2007	Reg. No.	37,774

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:	
Signature	
Typed or printed name	Randall B. Bateman
Date	Oct. 17, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED  
CENTRAL FAX CENTER

OCT 17 2007

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Bill J. Pope  
Serial Number: 10/643,806  
Filed: 08/18/2003  
Art Unit: 3682  
Examiner: Footland, Lenard  
For: Bearings, Races and Components Thereof...  
Old Attorney Docket: 05261.058/6069.2 P  
New Attorney Docket: 3768.DIMC.CN

**DECLARATION OF STAN DESPRES**

I, Stan Despres hereby declare:

I am of sufficient age and am competent to make this declaration.

I am Vice President of Research and Development and Engineering for Diamicron, Inc.

Diamicron, Inc. is the assignee of the entire right, title, and interest in the above-referenced patent application.

I have been personally involved in directing the prosecution of the above-referenced patent application on behalf of Diamicron, Inc.

Diamicron, Inc. entrusted the preparation, filing, and prosecution of the above-referenced application to Dan McCarthy, a licensed patent attorney.

When recent attempts to contact Mr. McCarthy were unsuccessful and went unanswered, Diamicron, Inc. engaged Bateman IP Law Group to continue prosecution of its patent work, and

transferred its patent work, including the above-referenced application, to Bateman IP Law Group.

In transferring its patent work to Bateman IP Law Group, Diamicron, Inc. became aware of the Office Action which was mailed on August 18, 2006 and the Notice of Abandonment which was mailed on March 16, 2007.

Diamicron, Inc. was not previously aware of the Office Action of August 18, 2006 or the Notice of Abandonment of March 16, 2007.

Upon transferring its patent work to Bateman IP Law Group, Diamicron, Inc. promptly sought to revive any applications or patents which had become abandoned and to respond to any outstanding office actions, including reviving the above-reference application.

The entire delay in filing the required reply to the Office Action of August 18, 2006 was unintentional.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated this 16 day of October, 2007.



Stan Despres